

Portugal

Section 1. Respect for the Integrity of the Person, Including Freedom from:

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. The law presumes all defendants innocent and provides the right to be informed promptly and in detail of the charges (with free interpretation when necessary from the moment charged through all appeals). Trials are fair and public. Authorities must bring a suspect in investigative detention to trial within 14 months of a formal charge. If a suspect is not in detention, the law specifies no deadline for going to trial. When the crime is punishable by a prison sentence, the maximum limit of which is more than eight years, either the public prosecutor or the defendant may request a jury trial.

Defendants have the right to be present at their trial and to consult upon arrest with an attorney provided at government expense if necessary. Defendants have adequate time and facilities to prepare their defense. They have access to government-held evidence, may confront and question witnesses against them, and present witnesses and evidence on their own behalf. Defendants cannot be compelled to testify or confess guilt. Those convicted have the right of appeal. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Citizens, foreign residents, and organizations have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and they may appeal adverse domestic decisions to regional human rights bodies, such as the European Court of Human Rights. Besides judicial remedies, administrative recourse exists for alleged wrongs. The government complied with rulings against it in domestic judicial and administrative fora.